

Appl. No. 08/926,375
Response dated March 22, 2006
Reply to Office action of January 12, 2006.

REMARKS/ARGUMENTS

By the present amendment, claim 19 has been amended as described below and claims 17, 23 and 36-57 have been canceled. Claims 36-57 were previously identified as "withdrawn" and are now being canceled to place the application in order for allowance. The amendments to the claims have been made without prejudice and without acquiescing to any of the Examiner's objections. Applicant reserves the right to pursue any of the deleted subject matter in a further divisional, continuation or continuation-in-part application. No new matter has been entered by the present amendment and its entry is respectfully requested.

The Official Action dated January 12, 2006 has been carefully considered. It is believed that the amended specification and claims and the following comments represent a complete response to the Examiner's rejections and place the present application in condition for allowance. Reconsideration is respectfully requested.

35 USC§112, First Paragraph

The Examiner has objected to claims 17, 19, 22-24, 27 and 29 under 35 USC§112, First Paragraph alleging that the specification does not reasonably provide enablement for expressing and/or secreting phytase in any other region of the gastrointestinal tract other than the salivary gland.

By the present amendment, claims 17 and 23 have been deleted which renders moot the objection to these claims moot. As stated previously, Applicant disagrees with the Examiner's assertion that the application does not enable the production of phytase outside of the salivary gland. However, in order to expedite allowance of the present application, claim 19 has been amended in order to specify that the phytase is expressed and secreted in the salivary gland. Claims 22, 24, 27 and 29 depend from claim 19 and therefore also require expression and secretion in the salivary gland. As the Examiner has confirmed enablement for the expression of the phytase in the salivary gland, claims 19, 22, 24, 27 and 29 are enabled.

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In view of the foregoing, we respectfully submit that all of the objections to the claims under 35 USC§112, First Paragraph be withdrawn.

35 USC§112, Second Paragraph

The Examiner has objected to claim 23 under 35 USC§112, Second Paragraph. Claim 23 has been canceled by the present amendment which renders the objection moot.

Allowable Subject Matter

We confirm that the Examiner finds claims 1-12, 30-31 and 33-35 allowable. Regarding claim 28, it depends from claim 19 which we submit is allowable in its amended form.

The Commissioner is hereby authorized to charge any fee (including any claim fee) which may be required to our Deposit Account No. 02-2095.

In view of the foregoing comments and amendments, we respectfully submit that the application is in order for allowance and early indication of that effect is respectfully requested. Should the Examiner deem it beneficial to discuss the application in greater detail, she is kindly requested to contact the undersigned by telephone at (416) 957-1682 at her convenience.

Respectfully submitted,

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By 

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